

Daniel R. Price (NV Bar No. 13564)  
 Christopher Beckstrom (NV Bar No. 14031)  
 Janice J. Parker (NV Bar No. 14102)  
 Jasmin N. Stewart (NV Bar No. 16008)  
 PRICE & BECKSTROM  
 1404 S. Jones Blvd.  
 Las Vegas, Nevada 89146  
 Phone: (702) 941-0503  
 Fax: (702) 832-4026  
 info@pbnv.law  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

CITY BOXING CLUB, *et al.*,  
  
 Plaintiffs,

v.

USA BOXING, INC. dba USA BOXING, *et al.*,  
  
 Defendants.

**Case No.: 2:23-cv-00708-JAD-DJA**

**~~Proposed Joint Stipulation and~~  
 Order to Extend Discovery Plan  
 and Related Dates  
  
 (Fourth Request)**

Plaintiffs, City Boxing Club, City Athletic Boxing LLC, and Armin Van  
 (“Plaintiffs”), and Defendants, USA Boxing, Inc. dba USA Boxing, Scottsdale Insurance  
 Company, Nationwide Mutual Insurance Company, K&K Insurance Group, Inc., and  
 Michael McAtee (“Defendants”) (collectively the “Parties”) hereby stipulate to and  
 respectfully submit their request that the Court enter this proposed Joint Stipulation and  
 Order to Extend Discovery Deadlines and Related Dates (Fourth Request) in the above-  
 captioned litigation. The Parties make this Stipulation pursuant to Local Rule IA 6-1 and  
 Local Rule LR 26-3.

1 This is the Parties' third request for an extension. The Parties respectfully request  
2 that these deadlines be extended by one hundred and twenty (120) days, as outlined in  
3 Section VI, *infra*.

#### 4 **I. Standard of Review**

5 Parties seeking to extend discovery deadlines must provide the reasons for the  
6 extension and must inform the Court of all previously granted extensions. LR IA 6-1. A  
7 discovery extension also requires a showing of good cause. LR 26-3. "The 'good cause'  
8 inquiry focuses mostly on the movant's diligence." *Victor v. Walmart, Inc.*, 2021 U.S. Dist.  
9 LEXIS 163908 (slip copy Apr 8, 2021), at \*41 (citing *Johnson v. Mammoth Recreations,*  
10 *Inc.*, 975 F.2d 604, 609) (9th Cir. 1992).

#### 11 **II. Description of Discovery That Has been Completed**

12 The Parties have completed the following discovery:

13 1. On July 10, 2023, Defendants USA Boxing, Inc. and Michael McAtee served  
14 their initial disclosures, though without attaching the documents identified in the  
15 disclosure.

16 2. On July 31, 2023, Defendants Scottsdale Insurance Company, Nationwide  
17 Mutual Insurance Company, K&K Insurance Group, Inc. served their initial disclosures,  
18 though without attaching the documents identified in the disclosure.

19 3. On July 31, 2023, Defendant Scottsdale Insurance Company served  
20 interrogatories and requests for admissions upon Plaintiffs.

21 4. On August 2, 2023, Plaintiffs served their initial disclosures.

22 5. On August 9, 2023, Plaintiff City Boxing Club served requests for admissions  
23 and requests for production of documents upon Defendants USA Boxing, Inc., Scottsdale  
Insurance Company, Nationwide Mutual Insurance Company, and K&K Insurance Group.

1           6.       On August 18, 2023, Defendants Scottsdale Insurance Company, Nationwide  
2 Mutual Insurance Company, K&K Insurance Group, Inc. provided copies of the documents  
3 identified in their initial disclosures.

4           7.       On August 18, 2023, Defendant Scottsdale Insurance Company served  
5 requests for production of documents and a second set of interrogatories to Plaintiffs.

6           8.       On August 18, 2022, Defendant Scottsdale Insurance Company served  
7 interrogatories to USA Boxing, Inc.

8           9.       On August 18, 2022, Defendant Nationwide Mutual Insurance Company  
9 served interrogatories to USA Boxing, Inc.

10          10.      On August 30, 2023, Defendants USA Boxing, Inc. and Michael McAtee  
11 served their first supplemental disclosures, with documents attached.

12          11.      On September 8, 2023, Defendants USA Boxing, Inc. and Michael McAtee  
13 served their second supplemental disclosures.

14          12.      On September 15, 2023, Defendant Nationwide Mutual Insurance Company  
15 served interrogators to City Boxing Club.

16          13.      On September 18, 2023, Plaintiffs served their second supplemental  
17 disclosures.

18          14.      On October 6, 2023, Plaintiff City Boxing Club served interrogatories,  
19 request for admissions (set 2), and request for productions (set 2) to K&K Insurance Group.

20          15.      On October 6, 2023, Plaintiff City Boxing Club served interrogatories,  
21 request for admissions (set 2), and request for production (set 2) to USA Boxing Club.

22          16.      On October 6, 2023, Plaintiff City Boxing Club served interrogatories,  
23 request for admissions (set 2), and request for productions (set 2) to Scottsdale Insurance  
Company.

1           17.     On October 6, 2023, Plaintiff City Boxing Club served interrogatories,  
2 request for admissions (set 2), and request for productions (set 2) to Nationwide Mutual  
3 Insurance Company.

4           18.     On October 26, 2023, Defendant Nationwide Mutual Insurance Company  
5 served interrogatories (set 2) to City Boxing Club.

6           19.     On October 30, 2023, Defendants USA Boxing, Inc. and Michael McAtee  
7 served their third supplemental disclosures.

8           20.     On November 6, 2023, Plaintiff City Boxing Club served interrogatories,  
9 requests for production (set 2), and requests for admissions (set 2) to Defendant  
10 Nationwide Mutual Insurance Company.

11           21.     On November 13, 2023, Defendant Scottsdale Insurance Company served  
12 requests for admissions to Plaintiffs (set 2).

13           22.     On November 15, 2023, Plaintiffs served their second supplemental  
14 disclosures.

15           23.     On November 17, 2023, Plaintiffs served their third supplemental  
16 disclosures.

17           24.     On November 29, 2023, Defendants K&K Insurance Group, Inc. and  
18 Scottsdale Insurance Company served their first supplemental disclosures.

19           25.     On November 29, 2023, Plaintiffs took the deposition of Mary Mullins, an  
20 insurance adjuster with K&K Insurance Group, Inc.

21           26.     On December 7, 2023, Plaintiffs took the deposition of Paula Creel, an  
22 insurance adjuster with K&K Insurance Group, Inc.  
23

1           27.     On December 11, 2023, Plaintiffs took the deposition of Michael McAtee, the  
2 executive director of Defendant USA Boxing, in his individual capacity and as an FRCP  
3 30(b)(6) designee.

4           28.     On December 12, 2023, Defendant Nationwide Mutual Insurance Company  
5 served interrogatories (set 2) to Defendant USA Boxing.

6           29.     On December 13, 2023, Plaintiffs took the deposition of Lynette Smith, the  
7 membership director of Defendant USA Boxing.

8           30.     On December 14, 2023, Defendant Scottsdale Insurance Company served  
9 requests for production to USA Boxing.

10           31.     On January 12, 2024, Plaintiff City Boxing Club served requests for  
11 production (set 3) on Defendant USA Boxing.

12           32.     On January 12, 2024, Plaintiffs served their fourth supplemental disclosures.

13           33.     On January 16, 2024, Plaintiffs served their fifth supplemental disclosures.

14           34.     On January 17, 2024, Plaintiffs took the deposition of Plaintiff Armin Van  
15 Damme, which deposition did not conclude on that date and the parties agreed to conclude  
16 the deposition on a future date.

17           35.     On February 2, 2024, Defendant Scottsdale Insurance Company notified the  
18 other parties of its intent to serve a subpoena to USI Insurance Services, LLC for business  
19 records relating to this action, which subpoena was thereafter served.

20           36.     On February 8, 2024, Defendants USA Boxing, Inc. and Michael McAtee  
21 served their fourth supplemental disclosures.

22           37.     On February 8, 2024, Defendants K&K Insurance Group, Inc. and Scottsdale  
23 Insurance Company served their second supplemental disclosures.

1           38.     On February 9, 2024, the continued deposition of Plaintiff Armin Van  
2 Damme, individually and as the FRCP 30(b)(6) designee of Plaintiff City Boxing Club was  
3 concluded.

4           39.     On February 13, 2024, Plaintiffs took the deposition of fact witness Jeremy  
5 Holder, an employee of Defendant Scottsdale Insurance Company.

6           40.     On February 29, 2024, Defendants USA Boxing, Inc. and Michael McAtee  
7 provided their fifth supplemental disclosures.

8           41.     On February 29, 2024, Defendant USA Boxing, Inc. responded to requests  
9 for production (set 2) from Defendant Scottsdale Insurance Company.

10          42.     On March 6, 2024, Defendant USA Boxing, Inc. responded to  
11 interrogatories from Defendant Nationwide Mutual Insurance Company.

12          43.     On March 25, 2024, Defendant USA Boxing, Inc. responded to Plaintiff  
13 City Boxing Club's interrogatories (set 2), requests for admissions (set 3), and requests  
14 for production of documents (set 4) with documents/information still pending.

15          44.     On March 25, 2024, Defendant Scottsdale Insurance Company responded  
16 to Plaintiff City Boxing Club's interrogatories (set 2) and requests for production of  
17 documents (set 3).

18          45.     On April 4, 2024, Defendant K&K Insurance Group responded to Plaintiff  
19 City Boxing Club's interrogatories (set 2) and requests for production of documents (set  
20 3).

21          46.     On April 11, 2024, Plaintiffs responded to Defendant Scottsdale Insurance  
22 Company's interrogatories (set 2).

1           47.     On April 26, 2024, Plaintiffs provided supplemental responses to  
2 Defendant Scottsdale Insurance Company's requests for production of documents (set  
3 2).

4           48.     On April 17, 2024, Plaintiffs took the deposition of fact witness David  
5 Mansur, an employee of Scottsdale Insurance Company.

### 6           **III. Description of Discovery Remaining**

7           1.     Response to subpoena to USI Insurance Services, LLC, for business  
8 records pertaining to this action.

9           2.     Responses from USA Boxing, Inc. to Plaintiff City Boxing Club's requests  
10 for production (set 3 and some documents for set 4).

11           3.     The parties anticipate the depositions of the FRCP 30(b)(6) designee(s) of  
12 Defendants Scottsdale Insurance Company and K&K Insurance Group, and these  
13 depositions are not yet scheduled.

14           4.     Plaintiffs filed a motion to amend the operative complaint on May 9, 2024,  
15 and no party opposed the amendment although Defendants Scottsdale Insurance  
16 Company and K&K Insurance Group seek conditions, including the possibility of  
17 additional deposition of Plaintiff Armin Van Damme and/or the FRCP 30(b)(6) designee  
18 of Plaintiff City Boxing Club. If that motion is granted, USI Insurance Services will be  
19 a party to the action and the parties anticipate written discovery with USI Insurance  
20 Services as well as depositions of fact witnesses and designee(s) pursuant to FRCP  
21 30(b)(6). Additionally, the motion to amend seeks to add causes of action that may  
22 require additional discovery.  
23

1           5.     Expert witnesses need to be disclosed and their depositions may also be  
2 needed.

3           6.     The Parties may wish to conduct follow-up written discovery, issue  
4 additional subpoenas, and/or conduct additional depositions depending on the  
5 information learned from the above-listed depositions.

6           **IV. Reasons Why Discovery Will Not be Completed Within the Time**  
7 **Limit Set by The Original Discovery Plan**

8           This is a complex dispute with multiple parties and multiple claims. The parties  
9 have diligently conducted discovery in this matter, including depositions, mandatory  
10 disclosures and supplements thereto, and written discovery requests. Based on that  
11 discovery, Plaintiffs filed the pending motion to amend to conform the complaint to the  
12 evidence and to clarify the causes of action. The proposed amendment includes addition  
13 of a new party, USI Insurance Services, and the parties wish to conduct discovery  
14 regarding that entity as well as provide expert opinions including such discovery.

15           The parties' expert witnesses will need this additional discovery to complete  
16 their opinions and reports.

17           **V. The Requested Extension Satisfies the Good Cause Standard**

18           Good cause exists to grant the Parties' requested extension of the discovery  
19 deadlines. As explained in Section II *supra*, the Parties have not been idle.  
20 Additionally, as explained in Section IV, *supra*, this is a complex matter both in terms  
21 of number of parties and claims, and in terms of number of witnesses. The instant  
22 extension is not requested for any improper purpose, but rather to permit appropriate  
23 discovery regarding the merits of this action.



## VI. Proposed Schedule for Completing All Remaining Discovery

The Parties propose the following deadlines:

	Current Deadline	Proposed Deadline
Initial Expert Disclosures	June 7, 2024	October 4, 2024
Amend Pleadings and Add Parties	June 7, 2023	No change
Rebuttal Expert Disclosures	July 8, 2024	November 5, 2024
Discovery Cutoff	August 7, 2024	December 5, 2024
Dispositive Motions	September 6, 2024	January 3, 2025 <del>February 3, 2025</del>
Joint Proposed Pretrial Order	October 7, 2024 (or 30 days after resolution of dispositive motions)	<del>January 10, 2025 (or</del> 30 days after resolution of dispositive motions)

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: June 4, 2024.

/s/ Daniel Price

Daniel R. Price, Esq.  
Christopher Beckstrom, Esq.  
PRICE & BECKSTROM  
1404 S. Jones Blvd.  
Las Vegas, Nevada 89146  
*Attorneys for Plaintiffs*

Dated: June 5, 2024.

/s/ Brian Pelanda (with permission)

Christine M. Emanuelson, Esq.  
Nicole Hampton, Esq.  
Brian L. Pelanda, Esq.  
Law Office of Hines Hampton Pelanda LLP  
400 South 4<sup>th</sup> Street  
Las Vegas, NV 89101  
*Attorneys for Nationwide Mutual Insurance Company, Scottsdale Insurance Company,  
and K&K Insurance Group*

1 Dated: June 6, 2024.

2 /s/Stephen Hess (with permission)

Wing Yan Wong, Esq.

3 Law Office of Gordon Rees Scully Mansukhani, LLP

300 S. 4<sup>th</sup> Street, Suite 1550

4 Las Vegas, NV 89101

Stephen A. Hess, Esq.

5 Law Office of Stephen A. Hess, P.C.

111 South Tejon, Suite 102

6 Colorado Springs, CO. 80903

*Attorneys for USA Boxing, Inc. and Michael McAtee*

8 IT IS SO ORDERED.

9   
DANIEL J. ALBREGTS

10 UNITED STATES MAGISTRATE JUDGE

11 DATED: June 6, 2024